

OCT 10 2013

US District Court
Western District of NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

3:13 MC 166

IN RE: Internal Controls During Lapse in Appropriations and When Staffing in the Office of the Clerk for the U.S. District Court is Significantly Reduced Due to Budget and Staffing Level Reductions.

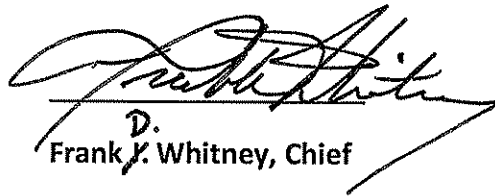
Whereas the Judicial Conference of the United States establishes the staffing formula for the Office of the Clerk of the U.S. District Court to perform those duties and functions of the office; AND FURTHER, the Judicial Conference has identified minimum requirements for internal control of administrative functions per the *Guide to Judiciary Policy*, Volume 11: Internal Control based upon the premise that funding for staff exists to provide the staffing levels necessary to comply with the *Guide* and other published materials such as the *Management and Oversight and Stewardship Handbook*, Re-issued by the Administrative Office of the United States Courts in July 2003, the Clerk is HEREBY authorized to cease the normal application of internal controls until such time as funding for staff per the authorized staffing formula is returned to normal levels supporting such activity or funding level provided to the Court is restored to a level permitting normal operations of the Clerk's Office to resume.

FURTHER, pursuant to the Anti-Deficiency Act, 31, U.S.C. Sections 1341 and 1342, operations of the court are to be confined to work considered essential and thus permissible to perform during a shutdown period and shall be limited to:

- activities necessary to support the exercise of the Article III judicial power, i.e. the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;
- emergency activities necessary for the safety of human and life and the protection of property; and
- activities otherwise authorized by law, either expressly or by necessary implication, which include items guaranteed by the Constitution.

IT IS THEREFORE, ORDERED THAT the Clerk of the U.S. District Court shall continue to exercise good stewardship in the responsibility for the protection and proper use of public resources to the best of his ability, maintaining proper internal controls as much as possible during times of continued staff shortages and budget reductions, BUT the normal division and separation of duties as identified in the *Guide* and all annual internal audits as identified by Internal Controls and Operating Procedures in the *Guide* which were all adopted under the premise of funding for staff being provided at the level authorized by the staffing formulas adopted and authorized by the Judicial Conference and adopted under the assumption that funding levels be provided to permit the normal functioning of the Clerk's Office are restored, are HEREBY SUSPENDED until funding and staffing are restored to those identified and authorized levels.¹

SO ORDERED, THIS 1st day of October 2013.


D.
Frank J. Whitney, Chief
U.S. District Judge

¹ In FY13 the authorized staffing level for the Office of the U.S. District Court was for 44.2 positions. Due to budget reductions funding was available for 35 positions, a 26% reduction in staff from the authorized level. This ORDER shall remain in effect until such time as this vacancy percentage is significantly reduced.